

**Frederick County Ethics Commission**  
**Minutes for the Public Meeting of Monday, September 10, 2012**

Present:        Hayden B. Duke, Chair  
                 Paula C. Bell, Commission Member  
                 Philip A. Dacey, Commission Member  
                 Harold Otis, Commission Member  
                 E. Donald Foster, Alternate Commission Member  
                 Linda B. Thall, Senior Assistant County Attorney

Absent:         Jesse Goode, Jr., Commission Member

Mr. Duke called to order a meeting of the Frederick County Ethics Commission at 7:00 p.m. on September 10, 2012, in the Winchester Room on the 2<sup>nd</sup> floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

**Approval of the August 13, 2012 meeting minutes** – A draft of the minutes was emailed to the Commission members before the meeting. There were no requests for changes.

**MOTION:**    Mr. Otis made a motion to approve the minutes. Ms. Bell seconded the motion, which was approved unanimously.

**Signature of Commission's Standard Operating Procedures** – A final version of the Standard Operating Procedures incorporating the changes approved at the August 13, 2012 meeting was provided to the Commission members prior to the meeting. The Commission members signed the Standard Operating Procedures at the meeting.

**Discussion of optional complaint form to be provided on the Ethics Commission website** – A draft of an optional complaint form that would assist persons who want to file a complaint in meeting the requirements for complaints was sent to the Commission members before the meeting. A written statement to be added to the Commission's website about filing complaints, which was approved at the August 13, 2012 meeting, was also distributed before the meeting. The Commission members reviewed and discussed the draft form and the previously approved written statement.

**MOTION:**    Mr. Otis made a motion to approve the complaint form. Mr. Foster seconded the motion, which was approved unanimously.

**Approval of post-employment restrictions on employment regulation** – A draft regulation providing general guidance on application of the post-employment restrictions in Section 1-7.1-5(E)(1) of the Ethics Ordinance was provided to Commission members before the meeting. The members of the Commission reviewed and discussed the proposed regulation.

**MOTION:** Mr. Otis made a motion to accept the regulation as drafted. Ms. Bell seconded the motion, which was approved unanimously.

The Senior Assistant County Attorney advised the Commission that she would provide the regulation to the County Manager.

**Discussion of comments received on Advisory Opinion 12-04** – The Commission noted that after release of Advisory Opinion 12-04, which dealt with use of County property such as official letterhead and County-controlled electronic resources, a member of the Board of County Commissioners posted critical comments about the Advisory Opinion and called for the Advisory Opinion to be withdrawn or revised. After a discussion of the County Commissioner's comments, the Commission determined that there was no need for further action on its part.

**Discussion of Commission bylaws or procedures** – Mr. Duke updated the Ethics Commission on the preparation of procedures to set forth the process to be followed in electing a Commission Chairman and a Vice-Chairman. The Commission discussed whether there was a need for other items to be included, but decided that the procedures would only include the election of officers, the length of their terms, and the process for amending the procedures. Mr. Duke will prepare a draft of the procedures and email them to the members for consideration.

**Update on Lobbying Activity Report filings** – The Senior Assistant County Attorney advised the Commission that Lobbying Activity Reports have been received from all registered lobbyists. The draft spending reports required by the Ordinance were distributed for review and were approved by the Commission.

**Discussion of a new request for an advisory opinion on the interpretation of the lobbying requirements** – The Commission received a request for an Advisory Opinion to clarify how certain provisions in the lobbying ordinance will be interpreted. The Commission members agreed to meet with representatives of the entity making the request at its next meeting.

**Changes to upcoming meeting dates** – The Commission members decided not to meet on October 8, 2012, due to the unavailability of the Senior Assistant County Attorney on that date. The Commission also decided to change the date of its November meeting from November 19 to November 5, 2012.

**Discussion of the status of a response to a request for an investigation into conflict-of-interest allegations related to a County Commissioner's votes on Jefferson Tech Park funding** – A response letter for the Chairman's signature was emailed to the members of the Ethics Commission after its last meeting. Having received no requests for changes to the letter, Mr. Duke signed the response letter.

**Discussion of community outreach efforts** – The Commission members discussed ways to increase the public awareness of the role of the Ethics Commission. The members

agreed to speak at meetings of various groups such as the Rotary Club, Lions Club and Neighborhood Advisory Councils and will attempt to meet with members of the press. The Senior Assistant County Attorney will also contact the County's Public Information Officer about an interview of the members on the County's cable television station.

**Adjournment**

**MOTION:** Mr. Otis moved to adjourn the meeting. Mr. Dacey seconded the motion, which was approved unanimously.

The Ethics Commission adjourned its meeting at 7:36 p.m.

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/s/  
Linda B. Thall, Senior Assistant County Attorney